

**MINUTES  
MAULDIN CITY COUNCIL  
SPECIAL CALLED SESSION  
SEPTEMBER 10, 2015  
5:30 P.M.**

Members present were Mayor Raines, Council members Taft Matney, Terry Merritt, Dale Black, Scott Crosby and Larry Goodson. City Attorney John Duggan and City Administrator Trey Eubanks were also present. Councilman Bob Cook was not present due to an illness.

1. Call to order.- Mayor Raines

Tim Brett was present to talk about the capital campaign for the Mauldin Cultural Center. Dr. Bour is President of the Simpsonville Greenville Health System. GHS has agreed to be a key sponsor of the Cultural Center. They are interested in health and wellness being a central part of Mauldin. GHS will give \$24,000 toward the campaign. Dr. Bour said GHS heals compassionately and understands that a strong community drives a strong health care system. GHS sponsors community outreach through flu shot clinics, screenings, and other services. The Greenville Health System will sponsor the walking trail around the Cultural Center and sponsor a kids' zone at the City barbecue event.

2. Session with labor attorney regarding open door policy

Kevin Sturm with Sturm and Cont Attorneys was present to talk to Council. Kevin said public agencies are different from private companies. There are policies that deal with complaints, which deal with unlawful discrimination practices. An open door policy addresses someone who might have a problem with their supervisor or department head. There is a chain of command, but in some circumstances, we can offer a mechanism to skip that. An employee can come see HR, the Administrator, or Mayor. It becomes a problem when an employee goes to a council member to complain about something. Once the town is on notice that there is an issue, something needs to be done. The policy that has been drafted is geared towards bringing issues through the proper channels.

Councilman Goodson asked about morale and interaction. Kevin Sturm said

his advice to council people is to stay out of interaction with the employee and the administrator. Council's power is as a group, not as an individual. A council member could become a witness and this becomes a problem. A committee chair can receive a report about what happened, but Kevin discourages getting personally involved. There should be only one chief. The administrator is the head and the buck stops there.

John Duggan said he had a concern that Mauldin's policies have a chain of command. If a council member goes into an employee's situation, would a council member be acting outside his duties and subject to personal liability. Kevin said that is a real concern. Kevin says there are powers of council and powers of managers. Under the statute, under the form of government we have, council does not have managerial power. If Council members are involved, they can be named as a party in a lawsuit and be individually liable. If you are acting outside of your authority, then the argument is there is no insurance coverage.

Councilman Black asked in our form of government, the administrator recommends a candidate for department head, then council confirms the choice. If the department head is dismissed, does that then have to have a public vote by council? Kevin answered that it depends on what the ordinances say. They said council approves termination. Councilman Black then asked if there has to be a public vote on the termination. Kevin said council should make some gesture in public.

Councilman Black asked if an employee has a problem with a department head, the supervisor and the administrator, what route should they take? Kevin said sometimes you have to look at the employee. You must tell a supervisor or department head first. That is the chain of command. Some employees' problems never get solved because of the employee. If you put yourself as the employees' sounding board, you will always be that. Councilman Crosby said he didn't know of a policy that discusses their role in removing a department head. Kevin answered some towns delegate to an administrator. If the policy doesn't say anything, council should stay out of it. John Duggan said he thinks it is ok to ask for Council's input. Kevin said on a higher level employee, that is a good idea. In summary, Kevin's advice to council is to keep out of employee matters.

### 3. Executive session for personnel matter

Councilman Matney made a motion to go into executive session. Councilman Goodson seconded and the vote was unanimous (6-0).

Councilman Matney reported no action was taken in executive session.

### 4. Adjournment.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk